IN SENATE—Arms: 2, 1846.

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[Mr. HANNEGAN. Of every impartial man.]

No, (said Mr. C.) I will not take the suggestion of my friend; I will not say of every impartial man: I say, if I do not prove to the satisfaction of every man within the sound of my voice that I was right in the position I assumed in my remarks, then I will consent to be bound as the prisoner of the Senator from Missouri, and to fight the battles of the "fortyire" state that I was right to be sound as the prisoner of the Senator from Missouri, and to fight the battles of the "fortyire" state that I was right to the said the said to the said nine" party-two of the greatest calamities that could befall he in this world. [A laugh.]

Mr. C. said he should treat this question fairly, impartially

and calmly-and not in the spirit which had marked the speech of the honorable Senator from Missouri. Throughout that entire speech there had run a tone and an air such as Mr. C. should not have expected from that gentleman. There was in every part of what he had addressed to the Senate an sur of triumph and of exultation such as belonged to one cer-tain and proud of victory. The Senator first erected a fortification for Mr. C., and then battered it down with his own cannon. He had taken no such positions as the Senator had attributed to him. In refuting the arguments brought against this position, unwarrantably assumed as his, Mr. C. should exhibit no such spirit; he should endeavor to treat the ques-

tion with calmness—with no airs of confident triumph, with no tone of proud and confident exultation.

The Senator asserted that Mr. C. had maintained in his speech before the Senate that the line of 49° north had not been established by the commissaries appointed under the treaty of Utrecht as a boundary between the British and French possessions on this continent; and that if it could be proved that that line had been so established by them, that then Mr. C. would abide by it for life, and never speak one word nor advance one step beyond it. Mr. C. had not said

What was the case? What was the point made by the Senator from Missouri? The Senator had risen, in order to vindicate the reputation of the Senate from assenting to facts

vindicate the reputation of the Senate from assenting to facts aileged to be true, but which were in fact false.

The Senator represented Mr. C. as having said that no coramissaries ever were appointed under the treaty of Utrecht; and that they never had established any line as a boundary. What Mr. C. had said in his speech, and what he now repeated was, that great doubts existed as to the establishment of that line. Mr. C. had referred on this point to the work of Mr. Greenhow, and had said that he believed the view given there to be correct; and he still thought that Mr. Greenhow had established the point, and that the Senator from Mishow had established the point, and that the Senator from Mis-souri, who insisted that such a line was established, had fail-ed in his endeavors to prove it. At all events, there were such grave doubts as to the fact that gentlemen might take oppositions in regard to it without any just imputation on either their judgment or their veracity. And here he begged to observe that in his judgment it was a matter of no import-ance whatever whether the fact in dispute were established or ance whatever whether the fact in dispute were established or not; and in his apprehension here lay the great error of the Senator in supposing that it was of great consequence. It retary of State, and used the Utrecht treaty for both the nurwas a mere historical fact, which, at best, had no bearing whatever on the question at issue as to our title in Oregon It had no more influence on that question than the disputeauthenticity of the story of Romulus and Remus. The question was, whether the parallel of 49°, as a boundary line between England and France, ever was intended to extend over the Rocky Mountains? That was the true, and the imover the Rocky Mountains? That was the true, and the important question. And it was on that question, and not as to whether the line had been established at all or not, that Mr. C. planted himself. If it could be shown that the boundary of 49° did run over the Rocky Mountains westward to the ocean, so as to bound our claim to the whole of Oregon, then Mr. C. would agree, as he had said, henceforth to close his line, and never as nother word as to any rights of the University

"Annexed is a paper stating the authority on which the decision of the commissioners under the treaty of Utrecht rests, and the reasoning opposed to the construction making the 49th degree of latitude the northern boundary of Louisiana, with marginal notes in support of that construction. This paper will put you more readily into possession of the subject, as it may enter into your discussions with the British Government. But you will perceive the necessity of recurring to the proceedings of the commissioners, as the source of authentic information. These are not within our reach here, and it must, consequently, be left to your own researches and judgment to determine the proper use to be made of them."

"Mr. B. remarked upon the language of this extract. The fact of the commissaries having acted was assumed

The fact of the commissaries having acted was assumed for certain; the precise terms of their act, and the construction of those terms, was not exactly known; and Mr. Monroe was directed to examine the proceeding of the commissaries in London—to ascertain the particulars—and to act according to his judgment."

But this (said Mr.C.) was the language of uncertainty. "The is reason to believe" was not the language of one certain of a fact. And, accordingly, Mr. Monroe was sent to headquarters to find out the true facts in the case. Mr. C. had said in his speech that Mr. Madison spoke doubtfully on the subject; and he would now appeal to all present in that cham-ber to say whether this was not true. He had said that Mr. Monroe did not add any facts to the statement of Mr. Madison; that he gave to the British Government no additional authority. He referred the British Minister to nothing—to nothing at all in addition to what Mr. Madison had stated. He spoke in the same words as Douglass did when speaking of the treaty; and there could be no doubt at all that Mr. Mon-roe got whatever he stated to the British Government out of Douglass; and it all came back to what had been referred to by Mr. Madison; and that was the mere historical fact, as given by the historian, and nothing more. Mr. C. then fur-

ther quoted :
"Mr. Monroe did so, and found not the least difficulty "Mr. Mouroe did so, and found not the least difficulty on either branch of his duty. The justification for the non-ratification of the boundary clause seems to have been admitted without a word; nor did the other branch of the subject encounter the least difficulty. The Utrecht treaty carried all through. But let Mr. Monroe speak for himself. In his letter to Mr. Madison, of September 8, 1804, he says: 'We' then proceeded to examine the convention respecting the boundaries in the light in which the ratification by the President presented it. On that subject, also, I omitted nothing which the documents in my possession enabled me to say; in aid of which I thought it advisable, a few days afterwards, to send to his lordship a note explanatory of the motives which induced the President and Senate to decline ratifying the fifth article. As the affair had become by that circumstance in some degree a delicate one, and as it was in its nature intricate, I thought it improper to let the explanation which I had given rest on the memory of a single individual. By committing it to paper, it might be better understood by Lord Harrowby, and by the Cabinet, to whom he will doubtless submit it.'"

the Rocky Mountains that our whole difficulty commenced; it was there, and there only, that the question became of any consequence.

Mr. C. said he should be as brief as he could, as he had no inclination to trespass on the time or attention of the Senste. The real question was one important in itself; and, besides, Mr. C. was anxious to redeem himself from what the Senator seemed to suppose must be his imprisonment for life.

Mr. C. then read the following extract from Mr. Benton's speech:

"Mr. B. then made a statement introductory to the proofs which he meant to introduce, and showing how the treaty of Utreeht had become applicable to this question of boundary but ween the United States and Great Britain. It grew out of the United States could not he closed, because there was an improssible call in the treaty of 1783. It called for a due west course from the Lake of the Woods to the Mississippi, when such course would never strike the Mississippi, to its free navigation was granted to the British by the treaty of the British to deflect the line, to turn it down southwest, and thus to get to the river, and with this arrival upon that the sand thus to get to the river, and with this arrival upon that the line would not trike the rarely stated the facts which Mr. Greenhow had collected in the part of the British to deflect the line, to turn it down southwest, and thus to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand to get to the river, and with this arrival upon that the sand

to make it.
"It is agreed that a line drawn due north or south (as th "It is agreed that a line drawn due north or south (as the case may require) from the most northwestern point of the Lake of the Woods, until it shall intersect the forty-ninth parallel of north latitude, and from the point of such intersection due west, along and with the said parallel, shall be the dividing line between his Majesty's territories and those of the United States to the westward of the said lake, as far as their respective territories extend in that quarter; and that the said line shall, to that extent, form the southern souvnaxe of his Majesty's said territories, and the northern bowndary of the said territories of the United States: Provided, That nothing in the present article; shall be construed; it extend to the thing in the present articles shall be construed to extend to the northwest coast of America, or to the territories belonging to or claimed by either party on the continent of America to the westward of the Stony Mountains."

The Senator then proceeded to remark on these articles a

"Here is concurrence (said Mr. B.) in the proceedings of Here is concurrence (said Mr. B.) in the proceedings of the commissaries under the treaty of Utrecht. Here is sub-mission to that treaty on the part of the British, and a surren-der under its inexorable provisions of all pretensions to the long-cherished and darling pursuit of the free navigation of the Mississippi. True, the article did not then ripen into a treaty

Mississippi. True, the article did not then ripen into a treaty stipulation. It was many years afterwards, namely, at London, in 1818, that this line of 49 was established to the Rocky Mountains; but the offer of the article in 1807 was conclusive of the pretension, and, though mentioned at Ghent in 1815, it was quickly abandoned.

"The question now (Mr. B. said) was to see what reception these articles met with at home—met with from Mr. Jefferson, to whom they were of course immediately communicated. And here let Mr. Jefferson speak for himself, as speaking through Mr. Madison, in a letter to Messrs. Monroe and Pinkney, (Mr. Pinkney, of Maryland, having then joined Mr. Monroe in London,) under date of July 30th, 1807:

"Your letter of April 25th, enclosing the British project of a convention of limits, and your proposed amendments, have been duly received. The following observations explain the terms on which the President authorizes you to close and sign the instrument:

"The modification of the fifth article (noted as one which the British commissioners would have agreed to) may be ad-

sign the instrument:

"The modification of the fifth article (noted as one which the British commissioners would have agreed to) may be addentified in the British commissioners would have agreed to) may be addentified in the British commissioners would have agreed to) may be addentified in the British commissioners would have agreed to) may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have agreed to may be addentified in the British commissioners would have addentified that it was, let him produce the evidence establishing the fact.

The facts adduced by the Senator went to prove that Mr. Monroe never did go to the archives of the British Government, or, if he did, that he found nothing there; and that, is communications with Lord Harrowby, he only quoted the words of Douglass.

Mr. C. said that his chief object in rising had been to put the Senator from Missouri right as to the real position Mr. C. said that his chief object in rising had been to put the Senator from Missouri in the senator from Missouri in the senator from Missouri. If any gentleman insisted on the other side that it was, let him produce the evidence outstained that it was, let him produce the evidence of the British countries.

The facts adduced by the Senator went to prove that Mr. Monroe never did go to the archives of the British Government, or, if he did, that he found not

"Paper respecting the boundary of the United States, delivered to Lord Harrowby, September 5, 1804.

"By the tenth article of the treaty of Utrecht, it is agreed it that France shall restore to Great Britain the bay and straits."

"that France shall restore to Great Britain the bay and straits."

"The endemondary of the United States, delivery offence Mr. Jefferson was desirous to avoid. Here was a manifest inconsistency in the statement of the Senator.

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"The endemondary of the United States, deli"The end of the United States, deli"The endemondary of the United States, deli"The end of the United States, deli"The end of the United States, deli"The end of the United States, deli"The en whether the line had been established at all or not, that 917. C. planted himself. If it could be shown that the boundary of 49° did run over the Rocky Mountains westward to the ocean, so as to bound our claim to the whole of Oregon, then I regard to the treaty of Utrecht, what had the Senator say and the said has the commissaries were appointed according to the treaty, and that they did establish the parallel of 49° and the treaty of the said that the commissaries were appointed by each power to describe and only fact of the least importance to this Oregon question. There was no difficulty as to what was our boundary to them; and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° and the question was, whether the parallel of 49° as no boundary between us and England as to affect our claim to the whole of Oregon? That, and that alone, was the true many the did not believe they extended to the Pacific, for that Span boundary of Canadas and Louisiana by a line beginning in the 40 them; and the question was, whether the parallel of 49° and the did not believe they extended to the Pacific, for that Span boundary between us and England as to affect our claim to the whole of Oregon? That, and that alone, was the true many the parallel of 49° and the paral

tory of England, published in 1760; on that of Bennett, published in 1770; on that of Faden, in 1777; and on some other maps of that period.

"No line of separation whatsoever between the Hudson's Bay territories and the French possessions in America is to be found on the large and beautiful map of America by Henry Popple, published in 1778, also under the patronage of the Colonial Department, and bearing the stamp of the approbation of Dr. Holley, which is particularly minute in all that relates to the territories in question; nor on any of the maps in the atlas of Maxwell and Sennex, published in 1721; or in any of those attached to Boyer's political state for 1721; to the History of Hudson's Bay by Dobb's; to the American Traveller by Cluny; to the History of the British Empire in America by Winne; to Alcedo's Dictionary," &c. Mr. Greenhow also states that no allusion to such a line is to be found in the following works: Actes Memoires concernant la paix d'Utrecht, published in 1716; Actes Negotiationes, &c, depuis la paux d'Utrecht, 1745; the Collection of Treaties and State Papers by Dumont, Boyer, Martens, Jenkinson, Haalet,; Collection des Edits Ordonnances, &c. Concernant le Canada; and several other well and authentic historical wbrks enumerated by him. Mr. Greenhow also quotes from Charlevoix, an eminent traveller, sent by the French Government into America, who says that "the negotiations between the two Courts for the settlement of boundary ceased, although commissaries had been appointed on both sides for that object since 1713."

This, to be sure, was but negative evidence; but the matter admitted of easy proof. Send to the original archives at London and Paris: this would settle the coertion and the contribute of the settlement of the sure of the settlement of the service of the settlement of the settlement of the sure of the settlement of the sure of the settlement of the settlement of the sure of the settl

admitted of easy proof. Send to the original archives at London and Paris: this would settle the question, and this mod would be commended by common sense, if the controvers was between individuals.

was between individuals.

Such was the evidence, positive and negative, respecting the establishment, by French and British commissaries, of the parallel of 49, as a boundary between the colonial possession of France and England. He repeated once more, emphatic cally, that he did not assume the existence or non-existence of the alleged fact; he did not pledge himself for the truth of the alleged fact; he did not pledge himself for the truth or accuracy of what was advanced in Mr. Greenhow's book. All he said was, that, with the language and authority of Mr. Madison before him, any man might be excused for believing that it was extremely doubtful whether any such line ever was established. The honorable Senstor said that Mr. Madison assumed the fact of commissaries having acted for certain. But this is an error. For Mr. Madison expressly says "there is reason to believe" that the line of 49 was established; and he adds but you will receive the necessity of recurring to is reason to believe" that the line of 49 was established; and he adds, but you will perceive the necessity of recurring to the proceedings of commissioners as the source of information. If this is certainty, what will uncertainty be? Mr. C. said that he might well be allowed to doubt where Mr. Madison doubted, with every fact before him referred to by the Senator from Missouri. If any gentleman insisted on the other side that it was, let him produce the evidence establishing the fact.

poses for which he had been instructed to use it, and with pericet success. He also shows that, unwilling to leave such an
important matter to the memory of an individual, he drew up
the substance of his conversation in writing, and delivered it
to Lord Harrowby, that he might lay it before the Cabinet.
The production of this paper, then, is the next link in the chain
of the egidence to be laid before the Senate; and here it is:

"Paper respecting the boundary of the United States, delic"Paper respective the termion to the termion of the termion to the termion of the termion of the termion of th pression that this affront of Mrs. Masham (the Queen's favor-ite) had had the effect of driving England into a war. He was glad to find that in this his memory had been at fault, and that, in fact, it had driven England and France into a striking out the proviso, and letting the line run to the real fic—so said the Senator; but this would give to Spain the very offence Mr. Jefferson was desirous to avoid. Here was treaty of peace. The influence, however, was the same; and that, in fact, it had driven England and France into a treaty of peace. The influence, however, was the same; and that was the point Mr. C. had been pressing. He acknow that was the point Mr. C. had been pressing. edged that in point of historical accuracy it was a fair hit.

[Mr. Benton. And certainly a very gentle one.] That is all true. I acknowledge my obligation to the Seator for the correction, and in my printed speech I shall But here Mr. C. would ask leave to refer to the language

of his speech, (he had it with him,) to show what was the po-sition he had taken before the Senate. What had he said? What was the grave question which he had presented to the Senate? He would read it: "Mr. Cass said the remarks I made the other day I will no

repeat. The treaty of Utrecht never refers to the parallel of 49, and the boundaries it proposes to establish were those between the French and English colonies, including the Hudson's Bay Company and Canada. The charter of the Hudson's Bay Company and Canada. son's Bay Company and Canada. The charter of the Bud-son's Bay Company granted to the proprietors all the 'lands, countries, and territories' upon the waters discharging them-selves into Hudson's Bay. At the date of the treaty of Utrecht, which was in 1714, Great Britain claimed nothing

of 49° would not extend west of the mountains. I understand

by being printed in italics.

The Senator has fallen into so grave an error as, by implication, to say that in 1807 the United States had no claim to any territory west of the Rocky Mountains, and on the assumption he has just made our claim in Oregon must date after 1807.

The article to which Mr. Monroe says the British Ministers

were willing to accede was in these words : "Article 5, as the British Commissioners would agree to

and the second s

49 as a barrier over which we could not pass. We might have an imperfect title to a part of the territory, and a perfect title to the residue; or we might have an imperfect title to the whole of it, or a perfect title to the whole. But, whatever our title was, no solid title to Oregon ever could be divided by the parallel of 49.

It has been contended (said Mr. C.) that the faith of the nation is pledged to this line of 49° in Oregon, because our Government in the early stage of this controversy claimed only to that line. Mr. C. said that the early pretensions of the Government had not committed the faith of the nation at all, for two reasons: 1st. They were founded on this historical error, now known to be such, that the parallel of 49° was established by the treaty of Utrecht, running, as they supposed, to the Pacific. Pretensions founded on such an error create no obligation when the error is discovered: and, 2d. Since then we have strengthened and perfected our title to Oregon by the treaty of Florida.

Mr. C. here read a synopsis of the positions which he took to that line. Mr. C. said that the early pretensions of the Government had not committed the faith of the nation at all, for two reasons: 1st. They were founded on this historical error, now known to be such, that the parallel of 49° was established by the treaty of Utrecht, running, as they supposed to the Pacific. Pretensions founded on such an error create no obligation when the error is discovered: and, 2d. Since then we have strengthened and perfected our title to Oregon by the treaty of Plorida.

Mr. C. here read a synopsis of the positions which he took in his speech the other day. They were—

1. No such line as the parallel of 49° is shown to have been established to the Pacific.

2. The country on the Pacific was entirely unknown and unclaimed when the treaty of Utrecht was formed.

3. British negotistors in 1826 and Mr. Pakenham in 1844 fix the commencement of the British title at the voyage of Capt. Cook in 1778.

4. The treaty of Utrecht only provides for establishing lines between the French and British colonies, including the Hudson Bay Company. The British held nothing west of that company's possessions, which by the charter included "lands, countries, and territories" on the waters running into Hudson Bay.

This argument, Mr. C. stated, he owed to the Senator from Missouri, (Mr. Arzissox.) whose speech upon this subject.

5. If England established this line to the Pacific Ocean, she can have no claim south of it.

6. How could France and England claim the country to be corrected and particulars. The Senator sale had been that when the the able that the bean to fall the benking of all though he does not know the particulars: he assumes the fact, although he does not know the particulars: he assumes the fact, although he does not know the particulars: he assumes the fact, although he does not know the line, and when the treaty of Utrecht was formed.

3. British negotistors in 1826 and Mr. Pakenham in 1844 fix the commencement of the British down the had any proceedings. In the United States. He ha 5. If England established this line to the Pacific Ocean, she can have no claim south of it.
6. How could France and England claim the country to the Pacific so as to divide it between them, when so late as 1790 the British Government, by the Nootka convention, expressly recognised the Spanish title to that country, and claimed only the use of it for her subjects in common with those of Spain?

Mr. BENTON said that he would take up the gentleman at the point where he had entrenched himself: he understood the gentleman to say that if the proviso attached to article 5, proposed by the British Commissioners, were omitted, that then the boundary line of 49° would stop at the Rocky Mountains.

Senator seems to think that they did in a matter of this weight and consequence? There never have been since their day, or before it, statesmen more able, more calm, more just, more careful, more laborious, more sagacious, or more patriotic, than those who steered us through the storm of the Revolution, and formed the Government under which we live. There were doubtless in our army men whose deeds of valor entitle them to an etarnal remown; but for years past my attention who conducted the political part of the Revolution; and I am prepared to say that men more wise, more devoted, more regardless of themselves, or more careful to do nothing but what was right before God and man, never were granted to a nation in the hour of its greatest necessity.

Mountains.

Mr. CASS here interposed, and was understood by the Reporter to say that he had stated this, not as his own idea, but the idea of Mr. Benton. He had not contended that the line would in any case run to the Pacific.

Mr. BENTON resumed. He understood the Senator to say that if the proviso attached to the article was stricken out, (as Mr. Jefferson wished it should be, and directed Mr. Monroe to "press" that it should be,) that then the dividing line of 49° would recommissaries. of 49° would not extend west of the mountains. I understand the gentleman to say so.

Mr. CASS here again explained, but was not distinctly understood by the Reporter.

Mr. BENTON, repeating what he had already twice said, I understand him to say that if the proviso in the 5th article in the British projet for a boundary were stricken out, the line would stop at the Rocky Mountains. I so understood him when he made his speech; I so understood him in his first explanation; and I still so understand him. And then I say—understanding him so, and his silence admits that I am right—then I say that the honorable Senator is "out of the frying pan into the fire." [A laugh.] When I heard the gentleman refer to that 5th article, and stop the line at the meuntain, if the proviso was cut off, I construed that the copyist in transcribing it had made some fatal omission; but, on turning to the report of my speech as given in the Intelligencer, I find the whole article was copied correctly, and that instead of being omitted, as I had feared, the clause was made emphatic by being printed in italics.

The Senator contends that the map I produced from Postleis it to be repeated here by an American Senator, on such an

The Senator contends that the map I produced from Postle-wait, though constructed by D'Anville and dedicated to the Duke of Orleans, is of no authority, because it contains a note stating that the east end of the line, the end cast of James's stating that the east end of the line, the end east of James's Bay, is incorrect. But hew does that inference follow? The inference was the other way: that all is admitted to be correct except the part objected to of the line—the residue was correct. I now repeat my position, that I spoke in vindication of history—of the truths of history—and of the intelligence of the Senate, and in refutation of the impeachment of such men as Jefferson and Madison and Monroe in a book by one Mr. Greenhow—a book approved and vouched for by the Senator from Michigan. That book denies that the commissaries were appointed under the treaty of Utrecht, and that they did establish the line of 49 as a boundary between the French and English pessessions—a denial which I understood to be endorsed by the Senator himself.

I knew that it would be an impeachment on the intelligence of the Senate to let such a statement go any further. What!